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Gerald T. Welch JENKENS & GILCHRIST, P.C. 3200 Fountain Place 1445 Ross Avenue Dallas, TX 75202-2799			EXAMINER DAVIS, CYNTHIA L	
			ART UNIT 2665	PAPER NUMBER 6

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/715,717

Applicant(s)

HEDEAS, URBAN

Examiner

Cynthia L Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/16/2000.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Claim Rejections - 35 USC § 103

DETAILED ACTION

Claim Objections

Claim 16 objected to because of the following informalities: when read in context with the preceding claims, it appears that “access unit” should be replaced with “wireless unit.” Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claim 14 recites the limitation “the first plurality of access units”. There is insufficient antecedent basis for this limitation in the claim. It appears from the preceding claims that what is meant here is “the first plurality of wireless units.” Appropriate correction is required.
2. Claim 15 recites the limitation “the second plurality of access units”. There is insufficient antecedent basis for this limitation in the claim. It appears from the preceding claims that what is meant here is “the second plurality of wireless units.” Appropriate correction is required.
3. Claim 17 recites the limitation “the first and second plurality of access units”. There is insufficient antecedent basis for this limitation in the claim. It appears from the preceding claims that what is meant here is “the first and second plurality of wireless units.” Appropriate correction is required.

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4. Claim 21 recites the limitations "the at least one first access units," "the at least one second access units," and "the at least one third access units." There is insufficient antecedent basis for this limitation in the claim. It appears from the preceding claims that "access units" should be replaced with "plurality of wireless units." Appropriate correction is required.

5. Claim 22 recites the limitations "the at least one first, second and third access units," "the at least one first access units," "the at least one second access units," and "the at least one third access units." There is insufficient antecedent basis for this limitation in the claim. It appears from the preceding claims that "access units" should be replaced with "plurality of wireless units." Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1 and 6 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Verma (6522880).

Regarding claim 1, a system comprising at least one first access unit for establishing a first wireless connection with the wireless mobile terminal and obtaining connection data for the wireless mobile terminal when the wireless mobile terminal enters a first coverage area is disclosed in Verma, column 5, line 62- column 6, line 2, and at figure 1, element 30. At least one second access unit for establishing a second

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wireless connection with the wireless mobile terminal responsive to connection data provided from the at least one first access unit and entry of the wireless mobile terminal into a second coverage area is disclosed in Verma at column 6, lines 10-18, and at figure 1, element 40. Upon the establishment of the second wireless connection obtaining the data from the wireless mobile terminal via the second wireless connection is disclosed in Verma, column 6, lines 28-29 (a wireless connection inherently exchanges data between the mobile terminal and the access unit).

Regarding claim 6, including control logic within the at least one first and second access units for controlling transfer of connection data between the at least on first access unit and the at least one second access unit is disclosed in Verma at column 6, lines 10-18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 2-3 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verma.

Claim 2 specifies that the at least one first access unit of claim 1 is associated with an entrance of a transportation system. This is a statement of intended use, not a further limitation of claim 1. The first access unit of Verma (figure 1, element 30) is capable of being associated with an entrance to a transportation system. The recitation of a new intended use for an old product does not make a claim to that old product patentable. In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

Claim 3 further specifies that the at least one second access unit of claim 1 is associated with at least one gate of a transportation system. This is a statement of intended use, not a further limitation of claim 1. The second access unit of Verma (figure 1, element 40) is capable of being associated with a gate of a transportation system. The recitation of a new intended use for an old product does not make a claim to that old product patentable. In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

Regarding claim 7, the system of claim 1 is disclosed in Verma. Claim 7 further discloses including at least one third access unit associated with each of the at least one second access units for providing a third wireless connection within a third coverage area responsive to the connection data from the at least one first access unit, the third access unit further forwarding the connection data to an associated second access unit after establishment of the third wireless connection, which is not explicitly disclosed in Verma. However, this third access unit behaves in basically the same manner as the first and second units, disclosed in claim 1. Verma also discloses at

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column 11, lines 17-18, that "more...components may be used in the block diagrams," which implies that more access units may be used. It would have been obvious to one skilled in the art at the time of the invention to include one more access unit which sends and receives the same connection data to establish wireless connections as the first two access units. The motivation would be to increase the geographical coverage of the network.

Claims 8, 9, and 10 specify that the data of claim 1 comprises payment data for a ticket to a transportation system, verification data of possession of a ticket to a transportation system, or identification data of a user of the mobile terminal. These are statements of intended use, not further limitations of claim 1. The system of Verma is capable of exchanging such data between the mobile unit and the wireless access unit. The recitation of a new intended use for an old product does not make a claim to that old product patentable. In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

8. Claims 4, 5, 11, and 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verma in view of Singhal (6633761).

Regarding claim 4, the system of claim 1 is disclosed in Verma. Claim 4 further specifies at least one first and second access units comprising Bluetooth wireless units using the Bluetooth communications protocol, which is missing from Verma. Singhal discloses at column 3, lines 62-65, a mobile communications system using the Bluetooth protocol, in order to have the system use a standardized protocol. It would have been obvious to one skilled in the art at the time of the invention to use Bluetooth.

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The motivation would be to have the system operate on a standard, recognized protocol.

Regarding claim 5, the system of claim 1 is disclosed in Verma. Claim 5 further specifies including a control server for controlling a transfer of connection data between the at least one first access unit and the at least one second access unit, which is missing from Verma. However, in figure 1, element 100, Singhal discloses using a core server for managing handoff between various wireless access points, in order to centralize handoff management. It would have been obvious to one skilled in the art at the time of the invention to use a core server to control the transfer of connection data between the wireless access points. The motivation would be to centralize handoff management.

Regarding claim 11, establishing a first wireless connection using at least one of the plurality of wireless units with the wireless mobile terminal when the wireless mobile terminal enters a first coverage area, the at least one of the plurality of wireless units obtaining connection data from the wireless mobile terminal is disclosed in Verma at column 5, line 64-column 6, line 2, and figure 1, element 30. Establishing a second wireless connection with the wireless mobile terminal in a second coverage area using at least one of the plurality of second wireless units responsive to the connection data from the first wireless unit is disclosed in Verma at column 6, lines 14-18 and figure 1, element 40. Data being obtained from the wireless terminal is disclosed in Verma at column 6, lines 28-29, as a wireless connection inherently exchanges data. However, claim 11 further discloses a plurality of wireless units using a Bluetooth communications

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protocol, which is missing from Verma. This element is disclosed in Singhal at figure 1, element 110, and at column 3, lines 62-65. It would have been obvious to one skilled in the art at the time of the invention to use a plurality of Bluetooth wireless units. The motivation would be to increase the coverage area (plurality) and have the system operate on a recognized standard protocol (Bluetooth). The phrases "of the transportation system" and "payment data" are not limitations of claim 11; rather, they are statements of intended use. The system of Verma is capable of being installed in an area of a transportation system, and of obtaining payment data from a mobile terminal. The recitation of a new intended use for an old product does not make a claim to that old product patentable. In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

Claims 14 and 15 specify associating the first or second plurality of access units of claim 11 with an entrance or gate(s) of a transportation system. This is a statement of intended use, not a further limitation of claim 11. The wireless access units of Verma (figure 1, elements 30 and 40) are capable of being associated with the entrance or gate(s) of a transportation system. The recitation of a new intended use for an old product does not make a claim to that old product patentable. In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

Regarding claim 16, the system of claim 11 is disclosed in Verma in view of Singhal. Claim 16 further specifies including a control server for controlling a transfer of connection data between at least one first access unit and at least one second access unit, which is missing from Verma. However, in figure 1, element 100, Singhal discloses using a core server for managing handoff between various wireless access points, in

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order to centralize handoff management. It would have been obvious to one skilled in the art at the time of the invention to use a core server to control the transfer of connection data between the wireless access points. The motivation would be to centralize handoff management.

Regarding claim 17, the system of claim 11 is unpatentable over Verma in view of Singhal. Claim 17 further specifies including control logic within the first and second plurality of access units for controlling transfer of connection data between at least on first access unit and at least one second access unit, which is disclosed in Verma at column 6, lines 10-18. It would have been obvious to one skilled in the art at the time of the invention to include control logic for transfer control in the access units. The motivation would be to decentralize the transfer control, and need less hardware than a system including a central server.

Regarding claim 18, establishing a first wireless connection using at least one of the plurality of wireless units with the wireless mobile terminal when the wireless mobile terminal enters a first coverage area, the at least one of the plurality of wireless units obtaining connection data from the wireless mobile terminal is disclosed in Verma at column 5, line 64-column 6, line 2, and figure 1, element 30. Establishing a second wireless connection with the wireless mobile terminal in a second coverage area using at least one of the plurality of second wireless units responsive to the connection data from the first wireless unit is disclosed in Verma at column 6, lines 14-18 figure 1, element 40. Data being obtained from the wireless terminal is disclosed in Verma at column 6, lines 28-29, as a wireless connection inherently exchanges data. However,

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claim 11 further discloses a plurality of wireless units using a Bluetooth communications protocol, which is missing from Verma. This element is disclosed in Singhal at figure 3, element 110, and at column 3, lines 62-65. It would have been obvious to one skilled in the art at the time of the invention to use a plurality of Bluetooth wireless units. The motivation would be to increase the coverage area (plurality) and have the system operate on a recognized standard protocol (Bluetooth). Claim 18 further discloses including a third plurality of wireless units each associated with one of the second wireless units for providing a third wireless connection within a third coverage area responsive to the connection data from the at least one first wireless unit, the third access unit further forwarding the connection data to an associated second access unit after establishment of the third wireless connection, which is not explicitly disclosed in Verma. However, this third plurality of wireless units behaves in basically the same manner as the first and second pluralities of units. Verma also discloses at column 11, lines 17-18, that "more...components may be used in the block diagrams," which implies that more wireless units may be used. It would have been obvious to one skilled in the art at the time of the invention to include one more plurality of access units which sends and receives the same connection data to establish wireless connections as the first two pluralities of access units. The motivation would be to increase the geographical coverage of the network.

Further regarding claim 18, the phrases "of the transportation system" and "payment data" are not further limitations of claim 18; rather, they are statements of intended use. The system of Verma is capable of being installed in an area of a

transportation system, and of obtaining payment data from a mobile terminal. The recitation of a new intended use for an old product does not make a claim to that old product patentable. In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

Claims 19 and 20 specify associating the first, second, or third plurality of wireless units from claim 18 with an entrance or gate(s) of a transportation system. These are statements of intended use, not further limitations of claim 18. The system of Verma is capable of being associated with an entrance or gates of a transportation system. The recitation of a new intended use for an old product does not make a claim to that old product patentable. In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

Regarding claim 21, the system of claim 18 is unpatentable over Verma in view of Singhal. Claim 21 further discloses a control server for controlling a transfer of connection data between the at least one first access units, the at least one second access units, and the at least one third access units, which is missing from Verma. However, Singhal discloses at figure 1, element 100, and column 3, lines 55-56, a core server for managing handoff between various wireless access points, in order to centralize handoff management. It would have been obvious to one skilled in the art at the time of the invention to use a core server to control the transfer of connection data between the wireless access points. The motivation would be to centralize handoff management.

Regarding claim 22, the system of claim 18 is unpatentable over Verma in view of Singhal. Claim 22 further discloses including control logic within the at least one first, second and third access units for controlling transfer of connection data between the at

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least one first access unit, the at least on second access unit, and the at least one third access unit, which is disclosed in Verma at column 6, lines 10-18. It would have been obvious to one skilled in the art at the time of the invention to include control logic for transfer control in the access units. The motivation would be to decentralize the transfer control, and need less hardware than a system including a central server.

9. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verma in view of Singhal (6633761) in further view of Padovani (5937019).

Regarding claim 12, the system of claim 11 is unpatentable over Verma in view of Singhal. Claim 12 further discloses the second plurality of wireless units paging for the wireless mobile terminal responsive to the connection data, which is missing from both Verma and Singhal. However, Padovani discloses at column 7, lines 34-39, base stations paging for a wireless mobile unit upon receipt of data regarding that unit, in order to find the specific mobile unit. It would have been obvious to one skilled in the art at the time of the invention to use paging to find the wireless mobile terminal. The motivation would be give the wireless unit a way of finding a specific mobile unit.

Regarding claim 13, the system of claim 11 is unpatentable over Verma in view of Singhal. Claim 13 further specifies that the wireless units cease paging for the wireless mobile terminal upon establishment of the second wireless connection, which is missing from both Verma and Singhal. However, Padovani discloses at column 7, lines 38-43, that upon receiving a response from the wireless mobile unit, the base station then establishes a connection to route a call to the wireless mobile unit—the base station is no longer paging the mobile unit, as it has already found it. It would

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have been obvious to one skilled in the art at the time of the invention to cease paging a wireless mobile unit upon establishing a connection with it. The motivation would be to not waste resources paging when the mobile unit has been found and a connection has already been established.

10. Claims 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verma in view of Cao (6446004).

Regarding claim 23, establishing a first connection between a first communication unit and the mobile terminal upon entry of the mobile terminal into a first coverage area is disclosed in Verma at column 5, line 64-column 6 line 2. Retrieving connection data from the mobile terminal is disclosed in Verma at column 5, lines 65-66. Forwarding the connection data to a second communication unit is in Verma at column 6, lines 10-18. Establishing a second connection between the second communications unit and the mobile terminal responsive to the connection data and entry of the mobile terminal into a second coverage area is disclosed in Verma at column 6, lines 26-29. Claim 23 further discloses purchasing a ticket via the second connection, which is missing from Verma. However, Cao discloses in column 2, lines 53-62, a method for purchasing a ticket via a wireless connection. It would have been obvious to one skilled in the art at the time of the invention to purchase a ticket using the wireless connection. The motivation would be to avoid customers having to stand in line at a ticket purchase machine or counter.

Regarding claim 26, establishing a first connection between a first communication unit and the mobile terminal upon entry of the mobile terminal into a first

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coverage area is disclosed in Verma at column 5, line 64-column 6 line 2. Retrieving connection data from the mobile terminal is disclosed in Verma at column 5, lines 65-66. Forwarding the connection data to a second communication unit is in Verma at column 6, lines 10-18. Establishing a second connection between the second communications unit and the mobile terminal responsive to the connection data and entry of the mobile terminal into a second coverage area is disclosed in Verma at column 6, lines 26-29. Claim 26 further discloses forwarding the connection data to a third communication unit associated with the second communication unit, and establishing a third connection between the third communication unit and the mobile terminal responsive to the connection data and entry of the mobile terminal into a third coverage area which is not explicitly disclosed in Verma. However, this third communication unit behaves in basically the same manner as the first and second units. Verma also discloses at column 11, lines 17-18, that "more...components may be used in the block diagrams," which implies that more communication units may be used. It would have been obvious to one skilled in the art at the time of the invention to include one more communication unit which sends and receives the same connection data to establish wireless connections as the first two communication units. The motivation would be to increase the geographical coverage of the network.

Claim 26 also discloses purchasing a ticket via the second connection, which is missing from Verma. However, Cao discloses in column 2, lines 53-62, a method for purchasing a ticket via a wireless connection, so that the customer does not need to stand in line to purchase a ticket. It would have been obvious to one skilled in the art at

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the time of the invention to purchase a ticket using the wireless connection. The motivation would be to avoid customers having to stand in line at a ticket purchase machine or counter.

11. Claims 25 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verma in view of Cao (6446004) in further view of Padovani (5937019).

Regarding claims 25 and 27, the methods of claims 23 and 26 are unpatentable over Verma in view of Cao. Claims 25 and 27 further disclose paging for the mobile terminal using the connection data to establish the second connection, which is missing from Verma and Cao. However, Padovani discloses at column 7, lines 34-39, paging for a wireless mobile terminal using call information, in order to find the specific mobile unit. It would have been obvious to one skilled in the art at the time of the invention to have the communications unit use paging to find the mobile unit. The motivation would be to give the wireless unit a way to find a specific mobile unit.

12. Claims 24 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Verma in view of Cao (6446004) in further view of Singhal. The methods of claims 23 and 26 are unpatentable over Verma in view of Cao. Claims 24 and 28 further disclose the first and second communications units using a Bluetooth communications protocol, which is a well recognized, standard protocol. This is disclosed in Singhal, column 3, lines 62-65. It would have been obvious to one skilled in the art at the time of the invention to use Bluetooth. The motivation would be to have the method used a recognized standard wireless protocol.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia L Davis whose telephone number is (703) 305-4078. The examiner can normally be reached on 8:30 to 6, Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CLD
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